

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

PEDRO ROSSELLO, et al.,

Plaintiffs,

v.

BROWN & WILLIAMSON, et al.,

Defendants

CIVIL CASE NO. 97-1910 (JAF)

**THE OPMS' SUBMISSION OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF  
MOTION TO ENFORCE THE ARBITRATION PROVISIONS OF THE MSA**

TO THE HONORABLE COURT:

COME NOW Philip Morris USA Inc., R.J. Reynolds Tobacco Company, and Lorillard Tobacco Company (the "OPMs"), through their undersigned counsel, and respectfully submit seven more decisions supporting their "Motion to Enforce the Arbitration Provisions of the Master Settlement Agreement." (Docket Nos. 262, 263.) With these decisions, offered as supplemental authority, 35 out of 36 MSA courts have now held that the MSA's plain and unambiguous language compels arbitration of the parties' dispute:

1. *Wyoming v. Philip Morris USA Inc.*, No. 26718 (WY D.C. 1/18/2007). (Exhibit 1.)
2. *Maryland v. Philip Morris, Inc.*, No. 96122017/CL211487 (MD Cir.Ct. 1/19/2007). (Exhibit 2.)
3. *Missouri v. The American Tobacco Co.*, No. 22972-01465 (MO Cir.Ct. 1/22/2007). (Exhibit 3.)
4. *Arizona v. American Tobacco Co.*, No. CV 1996-014769 (AZ Super.Ct. 1/24/2007)

(order stayed until February 23, 2007, to allow State adequate time to file petition for discretionary

review). (Exhibit 4.)

5. *Oklahoma v. R.J. Reynolds Tobacco Co.*, No. CJ-96-1499 (OK D.C. 1/29/2007).  
(Exhibit 5.)

6. *Alaska v. Philip Morris Inc.*, No. 1JU-97-915 CI (AK Super.Ct. 2/5/2007). (Exhibit  
6.)

7. *Indiana v. Philip Morris Tobacco Co.*, No. 49D07-9702-CT-0236 (IN Super.Ct.  
2/7/2007). (Exhibit 7.)

Respectfully submitted.

In San Juan, Puerto Rico this 22<sup>nd</sup> day of February, 2007.

/s/ Salvador Antonetti-Zequeira

Fiddler, González & Rodríguez, PSC  
Salvador Antonetti-Zequeira (113910)  
P.O. Box 363507  
San Juan, PR 00936-3507  
E-mail: santonet@fgrlaw.com  
Tel: 787-759-3207 / Fax: 787-250-7545

*Attorneys for Defendants Philip Morris USA Inc.,  
R.J. Reynolds Tobacco Company and Lorillard  
Tobacco Company*

**OF COUNSEL:**

*Attorneys for RJ Reynolds Tobacco Co.*  
Douglas G. Smith  
Salvatore F. Bianca

*Attorneys for Philip Morris USA Inc.*  
James D. Mathias  
Alexander Shaknes

Kirkland & Ellis LLP  
Aon Center  
200 East Randolph Drive  
Chicago, IL 60601  
Tel: 312-861-2000 / Fax: 312-861-2200

*Attorneys for Lorillard Tobacco Company*  
Penny Reid  
Idit Froim  
Weil Gotshal & Manges  
767 Fifth Avenue  
New York, NY 10153  
Tel: 212-310-8000 / Fax: 212-310-8007

Brett Ingerman  
DLA Piper US LLP  
1251 Avenue of the Americas  
New York, NY 10020-1104  
Tel: 212-335-4500 / Fax: 212-335-4501

Thomas J. Frederick  
Kevin J. Narko  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601  
Tel: 312-558-5600 / Fax: 312-558-5700

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to the following: Benjamin Acosta, Jr., Francisco A. Besosa, Edgardo Cartagena Santiago, Jose A. Fuentes Agostini, William A. Graffam, Manuel A. Guzman Rodriguez, Paul H. Hulsey, Juan A. Ramos Diaz, Hector Reichard Jr., Vicente Santori Coll, Francisco M. Troncoso, Richard Schell Asad, Eric A. Tulla. Notice will be served by regular mail to the following non registered attorneys:

Attorney General for the  
Commonwealth of Puerto Rico  
Department of Justice  
Roberto J. Sánchez Ramos, Esq.  
P.O. Box 9020192  
San Juan, PR 00902  
and

Scott C. Linden, Esq.  
Adam E. Miller, Esq.  
Michael B. Minton, Esq.  
William Newbold, Esq.  
Carl Rowley, Esq.  
Thompson & Coburn  
One Mercantile Center  
St. Louis, MO 63101

Frederick C. Baker, Esq.  
J. Anderson Berly, Esq.  
Jerry Hudson Evans, Esq.  
W. Michael Gruenloh, Esq.  
Charles J. Mikhail, Esq.  
Ronald L. Motley, Esq.  
Ness, Motley, Loadholt, Richardson & Poole  
28 Bridgeside Blvd. Suite 400  
P.O. Box 1792  
Mount Pleasant, SC 29465

Lee E. Young, Esq.  
Charles J. Mikhail, Esq.  
Ness, Motely, Loadholt, Richardson & Poole  
151 Meeting St. Suite 600  
PO Box 1137  
Charleston, SC 29402

Juan A. Ramos-Diaz, Esq.  
Ramos Diaz, Acevedo & Gonzalez CSP  
359 De Diego Ave., Suite 601  
San Juan, PR 00909-1740

Peter Bellacosa, Esq.  
Kirkland & Ellis  
153 E. 53rd Street  
New York, NY 10022

Michael S. Chernis, Esq.  
Alan Kaufman, Esq.  
Robert Gaffey, Esq.  
Kristi L. Midboe Miller, Esq.  
Jones, Day, Reavis and Pogue  
599 Lexington Ave.  
New York, NY 10022

Julie R. Fischer, Esq.  
Aaron H. Marks, Esq.  
Kasowitz, Benson, Torres & Friedman, LLP  
1301 Avenue of the Americas  
New York, NY 10019 6022

Robert F. McDermott, Jr., Esq.  
Jones, Day, Reavis & Pogue  
Metropolitan Square  
1450 G. Street, NW  
Washington, DC 20005

Jose A. Fuentes-Agostini, Esq.  
Akerman, Senterfitt & Eidson, PA - DC  
801 Pennsylvania Ave. NW Suite 600  
Washington, DC 20004

Paul H. Hulsey  
Hulsey Litigation Group, L.L.C.  
Charleston Harbor  
2 Wharfside 3  
Charleston, SC 29401

Vincent Chang, Esq.  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Andrew T. Frankel, Esq.  
David M. Moss, Esq.  
Demetra Frawley, Esq.  
Kathleen L. Turland, Esq.  
Mark G. Cunha, Esq.  
Simpson, Thacher & Bartlett  
425 Lexington Ave.  
New York, NY 10017-3954

Marie V. Santacroce, Esq.  
Kasowitz, Benson, Torres &  
Friedman, LLP  
1301 Avenue of the Americas  
New York, NY 10019 6022

Robert R. Merhige, Esq.  
Hunton & Williams  
Riverfront Plaza East Tower  
951 East Byrd St.  
Richmond, VA 23219 4074

In San Juan, Puerto Rico this 22<sup>nd</sup> day of February, 2007.

ss/Salvador Antonetti-Zequeira  
Fiddler, González & Rodríguez, PSC  
Salvador Antonetti-Zequeira (113910)  
P.O. Box 363507  
San Juan, PR 00936-3507  
E-mail: santonet@fgrlaw.com  
Tel: 787-759-3207 / Fax: 787-250-7545